

Application No. 10/675,653
Reply to Office Action of August 27, 2007

AMENDMENTS TO THE DRAWINGS

Ten amended drawing figures are attached as replacement sheets, following page 24 of this paper. The amended drawing figures are numbered 3-8, 9A-9B and 10-11. The Applicant submits that no new matter has been introduced by the amendments to the drawings.

REMARKS / ARGUMENTS

The present application includes pending claims 1-30, all of which have been rejected. By this Amendment, claims 1-30 have been amended, as set forth above, to further clarify the language used in these claims and to further prosecution of the present application. The Applicant respectfully submits that the claims define patentable subject matter.

Initially, the Applicant notes that a goal of patent examination is to provide a prompt and complete examination of a patent application.

It is essential that patent applicants obtain a prompt yet complete examination of their applications. Under the principles of compact prosecution, each claim should be reviewed for compliance with every statutory requirement for patentability in the *initial review* of the application, even if one or more claims are found to be deficient with respect to some statutory requirement. Thus, Office personnel *should* state *all* reasons and bases for rejecting claims in the *first* Office action. Deficiencies should be explained clearly, particularly when they serve as a basis for a rejection. Whenever practicable, Office personnel should indicate how rejections may be overcome and how problems may be resolved. A failure to follow this approach can lead to unnecessary delays in the prosecution of the application.

See Manual of Patent Examining Procedure (MPEP) § 2106(II). As such, the Applicant assumes, based on the goals of patent examination noted above, that the present Office Action has set forth "all reasons and bases" for rejecting the claims.

The Abstract of the Disclosure was objected to because, allegedly, the phrase of "Aspects of the invention" is implied. Claims 1-30 stand rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,644,714, issued to Kikinis (hereinafter, Kikinis). The Applicant respectfully traverses these rejections at least for the reasons previously set forth during prosecution and at least based on the following remarks.

I. Specification

The Applicant has amended the specification, including the Abstract section, as set forth above to address the objections stated by the Examiner in page 2 of the Office Action. The Applicant submits that no new matter has been introduced by the above amendments and requests that the objections to the Specification be withdrawn.

REJECTIONS UNDER 35 U.S.C. § 102

II. Kikinis Does Not Anticipate Claims 1-30

The Applicant first turns to the rejection of claims 1-30 under 35 U.S.C. 102(b) as being anticipated by Kikinis. With regard to the anticipation rejections under 102(b), MPEP 2131 states that "[a] claim is anticipated only if **each and every element** as set forth in the claim is found, either expressly or inherently described, in a single prior art reference." See Manual of Patent Examining

Procedure (MPEP) at 2131 (internal citation omitted). Furthermore, “[t]he identical invention must be shown in as complete detail as is contained in the ... claim.” See id. (internal citation omitted).

A. Rejection of Independent Claim 1 under 35 U.S.C. § 102(b)

With regard to the rejection of independent claim 1 under 102(b), the Applicant submits that Kikinis does not disclose or suggest at least the limitation of “**comparing by said at least one media processing system**, said one or more of said newly available media, data and service with data in a media profile associated with said at least one media processing system,” as recited by the Applicant in independent claim 1 (emphasis added).

The Office Action states the following:

Kikinis discloses, a method for communication of information in a distributed media network, the method comprising:

- a. detecting availability of at least one of new media, data and service within the distributed media network (Col. 4 line(s) 14-16, teaches the file server detecting the availability of new information within the distributed media network. Fig. 1A, displays the file servers being in the distributed media network.);
- b. identifying at least one media processing system having an interest in monitoring said newly available at least one of new media, data and service (Col. 4 line(s) 14-16, teaches identifying at least one media processing system having an interest in monitoring said newly available at least one of new media, data and service.);
- c. and notifying said identified at least one media processing system of said newly available at least one of new media, data and

service (Col. 4 line(s) 14-16, teaches sending a notification to the at least one media processing system of said newly available at least one of new media, data and service.).

See the Office Action at pages 3-4. The Examiner relies on Figure 1A of Kikinis, which illustrates a Video Jukebox world-wide architecture. Referring to Figure 1A, Kikinis discloses that the individual clients 17-39 (equated by the Examiner to the media processing system recited in Applicant's claim 1) specify the topics of their particular interests. When there is a match between what is available at the file servers 1-7, then the corresponding file server sends a notification to the client. Therefore, Kikinis discloses that the file servers 1-7, and not the clients 17-39, perform the comparison of the newly available data with the profile set by the clients 17-39. See Kikinis, col. 4, lines 6-16. In this regard, Kikinis does not disclose or suggest at least the limitation of "comparing by said at least one media processing system, said one or more of said newly available media, data and service with data in a media profile associated with said at least one media processing system," as recited by the Applicant in independent claim 1.

Furthermore with regard to the rejection of independent claim 1 under 102(b), the Applicant submits that Kikinis also does not disclose or suggest at least the limitation of "requesting at least a portion of said one or more of said newly available media, data and service from the distributed media network based on said comparison by said at least one media processing system," as recited by the Applicant in independent claim 1. As already explained above, none of the

clients 17-39 (equated to the media processing systems) perform the comparison with the individual preference profiles. Furthermore, Kikinis discloses that the file servers 1-7, and not the clients 17-39, detect the availability of new media and the file servers 1-7 send the notification to the clients 17-39 of the availability of the new media. See Kikinis, col. 4, lines 14-16. Therefore, Kikinis does not disclose or suggest at least the limitation of "requesting at least a portion of said one or more of said newly available media, data and service from the distributed media network based on said comparison by said at least one media processing system," as recited by the Applicant in independent claim 1.

Accordingly, independent claim 1 is not anticipated by Kikinis and is allowable. Independent claims 11 and 21 are similar in many respects to the method disclosed in independent claim 1. Therefore, the Applicant submits that independent claims 11 and 21 are also allowable over the references cited in the Office Action at least for the reasons stated above with regard to claim 1.

B. Rejection of Dependent Claims 2-10, 12-20 and 22-30

Based on at least the foregoing, the Applicant believes the rejection of independent claims 1, 11 and 21 under 35 U.S.C. § 102(b) as being anticipated by Kikinis has been overcome and requests that the rejection be withdrawn. Additionally, claims 2-10, 12-20 and 22-30 depend from independent claims 1, 11

Application No. 10/675,653
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and 21, respectively, and are, consequently, also respectfully submitted to be allowable.

The Applicant also reserves the right to argue additional reasons beyond those set forth above to support the allowability of claims 1-30.

Application No. 10/675,653
Reply to Office Action of August 27, 2007

CONCLUSION

Based on at least the foregoing, the Applicant believes that all claims 1-30 are in condition for allowance. If the Examiner disagrees, the Applicant respectfully requests a telephone interview, and requests that the Examiner telephone the undersigned Attorney at (312) 775-8176.

The Commissioner is hereby authorized to charge any additional fees or credit any overpayment to the deposit account of McAndrews, Held & Malloy, Ltd., Account No. 13-0017.

A Notice of Allowability is courteously solicited.

Respectfully submitted,

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